REMARKS

Claims 59, 60 and 74 were rejected under 35 USC 103(a) as being unpatentable over Michalke in view of DeLine. This rejection is respectfully traversed.

Where two prior art references require selective combination, as in the present rejection, there must be some reason for the combination other than the hindsight gleaned from the invention itself. Something in the prior art references must suggest the desirability, and thus the obviousness, of making the combination. It is impermissible to use the claims as a frame and the prior art references as a mosaic to piece together a facsimile of the claimed invention. Uniroyal v. Rudkin-Wiley, 5 USPQ 2d 1434, 1438 (Fed. Cir. 1988).

In the present case, applicants respectfully submit that there is nothing in either Michalke or DeLine which suggests the desirability (and thus the obviousness) of making the combination of elements proposed by the Examiner.

Applicants respectfully submit that the suggestion for the combination of Michalke and DeLine proposed by the Examiner comes only from the claimed invention itself, not from either Michalke or DeLine. The skilled artisan would not have found it obvious to selectively pick and choose the separate elements and concepts from Michalke and DeLine so as to arrive at the claimed invention without using the present claims as a guide. Such hindsight reconstruction of the invention is not a proper criteria for determining obviousness. There must be some reason or suggestion in either Michalke or DeLine for selecting and combining the elements as proposed, other than the knowledge learned from the applicants' disclosure. Interconnect Planning Corporation v. Feil, 227 USPQ 543, 551 (Fed. Cir. 1985). Applicants respectfully submit that no reason or suggestion for the proposed combination can be found in either reference.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 606682000100.

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Respectfully submitted,

By 

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